

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

SONIA NOEMI SANTIAGO TORRES

DEBTOR

CASE NO 15-08710 BKT

CHAPTER 13

**DEBTOR'S MOTION IN COMPLIANCE WITH  
ORDER TO SHOW CAUSE DOCKET NO. 23**

**TO THE HONORABLE COURT:**

**COMES NOW, SONIA NOEMI SANTIAGO TORRES**, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. On January 08, 2020 the Chapter 13 Trustee filed a *Trustee's Request Entry of Order*, Docket No. 18, whereby the Trustee requested the Court to enter an Order for the Debtor to tender the tax refunds for the years 2015, 2017 and 2018.

2. On January 30, 2020, the Court entered an ORDER TO SHOW CAUSE, Docket No. 23, whereby the Debtor is ordered to show cause as to why the case should not be dismissed for the Debtor's failure to tender to the Trustee the tax refunds for the years 2015, 2017 and 2018.

3. The Debtor is a single individual who works as a "pharmacy technician" for a local Pharmacy: "Farmacia San Pablo/Cidra", for the last 22 years. The Debtor's monthly gross salary is approximately \$1,456. The Debtor is living within a very "tight" budget, and is making a \$140.00 Plan payment to the Trustee and a \$347.84 mortgage payment to Banco Popular de Puerto Rico.

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4. The Debtor respectfully informs the Court that the Debtor's 2015 tax return reflects a tax refund in the amount of \$16.00 received by the Debtor for said year.

5. In July, 2016, the Debtor sent to the Trustee the 2015 refund in the sum of \$16.00.

6. However, on January 30, 2020, the Debtor again sent to the Chapter 13 Trustee a \$16.00 payment to cover the 2015 tax refund. On February 09, 2020, the Trustee filed a *Notice of Plan Base Increase*, Docket No. 25, whereby the Trustee states that "...the income tax refund for the year 2016-2017-2018 partial in the amount of \$16.00 has been received and applied to the confirmed plan base to \$8,432.00". *Notice of Plan Base Increase*, at paragraph 3, Docket No. 25.

7. The Debtor respectfully states that due to the Debtor's tight household budget and difficult economic situation, the Debtor received and used the 2017 (\$319.00) and the 2018 (\$523.00) tax refunds. The Debtor forgot to request prior Court authorization.

8. The Debtor respectfully states that the monies received by the Debtor from the 2017 tax refund (\$319.00) and the 2018 tax refund (\$523.00), were used to cover reasonable and necessary expenses incurred by the Debtor due to her difficult financial situation.

9. The Debtor is unable to pay to the Trustee, at this moment, the 2017 tax refund (\$319.00) and the 2018 tax refund (\$523.00), a total sum of \$842.00 (\$826 if the duplicate sum of \$16 is applied).

10. The Debtor proposes to pay the Trustee the total sum of \$842.00 to cover for the 2017 and 2018 tax refunds, on or before November 03, 2020, which is the date the 60<sup>th</sup> Plan payment becomes due.

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11. The Debtor is current in her confirmed Plan payments to the Trustee, having paid-in to the Trustee 51/51 payments. See: *Trustee's Motion to Withdraw Motion to Dismiss*, dated 02/10/2020, Docket No. 26.

12. Based on the above stated, the Debtor respectfully requests that this Honorable Court grant the present motion in compliance with the Court's *Order to Show Cause*, Docket No. 23, in the above captioned case.

**WHEREFORE**, the Debtor, through the undersigned attorney, respectfully requests that this Honorable Court grant the present motion in compliance with the Court's *Order to Show Cause*, Docket No. 23, allowing the Debtor to continue under the protection of the Bankruptcy Court, in the above captioned Chapter 13 bankruptcy case.

**I CERTIFY** that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF system which will send notice of same to the Chapter 13 Trustee, Jose Ramon Carrion Morales, Esq., and to all CM/ECF participants; I also certify that a copy of this motion was sent via US Mail to the Debtor Sonia Noemi Santiago Torres, 91 Villas del Bosque Margarita Street Cidra, Puerto Rico 00739.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 13<sup>th</sup> day of February, 2020.

/s/ Roberto Figueroa Carrasquillo  
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